IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 29678 of 2007(G)

PETITIONERS:

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1. **V.J.SEBASTIAN, S/O.JOSEPH,**
   N.M.R.OPERATOR, P.H.SUB DIVISION,
   KERALA WATER AUTHORITY, CHANGANASSERY.

2. **K.VASUDEVAN NAIR, S/O.KRISHNAN NAIR,**
   OPERATOR, P.H.SUB DIVISION, KERALA WATER
   AUTHORITY, CHANGANASSERY.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:

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1. **THE STATE OF KERALA REPRESENTED BY**
   SECRETARY TO GOVERNMENT, WATER RESOURCES
   DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE KERALA WATER AUTHORITY,**
   REPRESENTED BY ITS MANAGING DIRECTOR,
   JALA BHAVAN, THIRUVANANTHAPURAM.

R2 BY SRI.J.KRISHNA KUMAR, SC, KWA
R1 BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 29678 of 2007

Dated this the 18th December, 2007

J U D G M E N T

The issues raised by the petitioners herein are similar to the issues considered in W. P. (C) No.16178 of 2007 of this Court, as submitted by counsel on both sides. I have also verified the said fact.

In the circumstances, this writ petition is disposed of declaring that the findings in W.P. (C) No.16178 of 2007 are applicable to the petitioners in the present case also. Consequently, the petitioners shall approach the 1st respondent with a representation reiterating the claim as raised by the petitioners, within four weeks from the date of receipt of a copy of this judgment. If such a representation is received, the 1st respondent shall, after hearing the petitioners, take a decision on the claim made by the petitioners for regularisation as NMR workers with reference to the date on which they completed five years service as NMR workers, within three months thereafter.

(V.GIRI, JUDGE)

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The petitioners are working as Operators in the Water Authority. Their grievance is that notwithstanding their completion of 5 years of NMR service in 1995, they have been absorbed in the regular establishment only with effect from 22.5.1990 and 16.6.1980 respectively. Reference in this regard is made to Ext.P1 order by which the Water Authority decided to regualrise the services of other similarly situated persons with effect from 21.10.2005, the date on which the Government had accorded sanction to the Water Authority. According to the

petitioner, similarly situated persons were accorded sanction by the Government for regularisation of their service with effect from the date on which their services were regularised by the Authority and therefore there is no reason why the regularisation of the petitioners' services should not take effect from 1995 when they had actually completed 5 years of NMR service.

2. I have heard the learned counsel for the petitioners, the learned Standing Counsel for the Water Authority and the learned Government Pleader.

3. In my view, if similarly situated persons have been granted regularisation with reference to the date on which such NMR workers had completed 5 years of NMR service, then there is no reason why the petitioners should be denied such benefit. I make it clear that I am not expressing any final opinion on the merits of the contentions raised by the petitioners. But I am of the view that the petitioners' claim for regualrisation as NMR workers with reference to the date on which they had completed 5 years of NMR service must be considered by the Government and the Government should hear the petitioners in this regard.

4. The writ petition is disposed of directing the petitioners to approach the first respondent, with a representation raising the claim as raised by them in this writ petition, within a period of three weeks from the date of receipt of a copy of this judgment. If such representation is so received, the first respondent shall, after hearing the petitioner, take a decision on the claim made by the petitioners for regularisation as NMR workers with reference to the date on which they had completed 5 years of NMR service, within a period of three months from the date of receipt of a copy of the representation.

The Government shall take such a decision untrammeled by any decision already taken by them as per GO(MS)No.53/05/WRD dated 21.10.2005 on the basis of which Ext.P1 order is stated to have been issued.

V. GIRI, JUDGE

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(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007